

1 David H. Shoup, Esq.  
2 TINDALL BENNETT & SHOUP, P.C.  
3 508 W 2<sup>nd</sup> Avenue, Third Floor  
4 Anchorage, Alaska 99501  
5 (907) 278-8533 Fax: (907) 278-8536

6 Attorneys for Plaintiff

7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF ALASKA

9 MICHAEL INVESTMENTS, LLC, )

10 Plaintiff, )

11 -vs- )

12 THE GLIDDEN COMPANY, and )  
13 ICI PAINTS, )  
14 )

15 Defendants. )  
16 )

Case No. 3:05-CV-223 (TMB)

17 **JOINT REPORT TO THE COURT IN**  
18 **COMPLIANCE WITH ORDER ENTERED 11/28/06**

19 In compliance with the Court's order of November 28, 2006, the parties, by and  
20 through their respective counsel, report as follows:

21 Counsel for the parties conferred by telephone on November 29, 2006.  
22 Appearing for the plaintiff was David Shoup. Appearing for the defendants were Wei-  
23 Drin Lee and James Torgerson. Counsel thoroughly discussed each items listed in the  
24 Court's order.  
25

26 Counsel herein certify:

TINDALL BENNETT & SHOUP, P.C.  
508 WEST 2<sup>ND</sup> AVENUE, THIRD FLOOR  
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FAX (907) 278-8536

(A) Discovery is complete.

(B) There is an outstanding motion in limine, filed by the defendant.

(C) The parties believe settlement is a possibility, and seek a settlement conference before a settlement judge. The parties respectfully request a settlement conference as soon as practicable.

(D) Counsel for the parties have agreed that the plaintiff need not respond to the defendant's motion in limine until two weeks have elapsed following the conclusion of any unsuccessful settlement conference, or for two weeks following an order to the effect that a settlement conference will not occur. Counsel for the plaintiff intends to file an unopposed motion to this effect.

(E) Counsel have agreed that in the event settlement discussions are unsuccessful, they and their clients would be able to try the case beginning on August 27 or on September 3. The parties do not anticipate the trial of this matter would take more than one week to complete.

DATED at Anchorage, Alaska this 5<sup>th</sup> day of December, 2006.

TINDALL BENNETT & SHOUP, P.C.  
Attorneys for Plaintiff

By: /s/ David H. Shoup  
David H. Shoup, ABA No. 8711106  
Tindall Bennett & Shoup, P.C.  
508 W. 2<sup>nd</sup> Avenue, 3<sup>rd</sup> Floor  
Anchorage, AK 99501  
Phone: 907/278-8533  
Fax: 907/278-8536  
E-mail: Shoup@Tindall-law.com

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FAX (907) 278-8536

HELLER EHRMAN LLP  
Attorneys for Defendant The Glidden Company  
d/b/a ICI Paints

By: /s/ Wei-Drin Lee  
Wei-Drin Lee, ABA No. 0505025  
Heller Ehrman, LLP  
510 L Street, Suite 500  
Anchorage, AK 99501  
Telephone: 907-277-1900

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